

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Jerry A. Spolar, et al.,) Case No. **CV 23-7633-JFW(MRWx)**
Plaintiff,)
v.) **STANDING ORDER**
Discovery Communications LLC, et)
al.,)
Defendants.)

READ THIS ORDER CAREFULLY. IT CONTROLS THE CASE AND DIFFERS
IN SOME RESPECTS FROM THE LOCAL RULES.

This action has been assigned to the calendar of Judge John F. Walter. Both the Court and counsel¹ bear responsibility for the progress of litigation in Federal Court. To secure the just, speedy, and inexpensive determination of every action, all counsel are ordered to familiarize themselves with the Federal Rules of Civil Procedure, the Local Rules of the Central District of California, the General Orders of the Central District and the Judge's Procedures and Schedules found on the website

¹Any reference in the Court's Standing Order (or any other court order) to "counsel" or "attorney" applies to parties appearing pro se unless the context requires otherwise.

1 for the United States District Court for the Central District
2 of California (www.cacd.uscourts.gov).

3 **1. Service of the Complaint:**

4 The plaintiff shall promptly serve the Complaint in
5 accordance with Fed.R.Civ.P. 4 and shall file the proof(s) of
6 service pursuant to the Local Rules. **The plaintiff is hereby**
7 **notified that failure to serve the Complaint as required by**
8 **Fed.R.Civ.P. 4(m) will result in the dismissal of the**
9 **Complaint against the unserved defendant(s) .**

10 **2. Presence of Lead Counsel:**

11 Lead trial counsel shall attend all proceedings before this
12 Court and all Local Rule 7-3, scheduling, status, and
13 settlement conferences. Only ONE attorney for a party may be
14 designated as lead trial counsel unless otherwise permitted
15 by the Court.

16 **3. Electronic Filing and Courtesy Copies:**

17 (a) Within ten days of a party's initial appearance, lead
18 trial counsel shall file a declaration entitled, "Declaration
19 of Lead Trial Counsel" which shall: (1) notify the Court that
20 counsel has registered as an "CM/ECF User;" (2) include lead
21 counsel's "E-Mail Address of Record;" and (3) confirm that
22 lead counsel has read the Court's Standing Order and the
23 Local Rules.

24 (b) All documents that are required to be filed in an
25 electronic format pursuant to the Local Rules shall be filed
26 electronically no later than 4:00 p.m. on the date due unless
27 otherwise ordered by the Court. Any documents filed
28 electronically after 4:00 p.m. on the date due will be

1 considered late and may be stricken by the Court. All
2 documents filed electronically shall be filed in accordance
3 with the Local Rule 5-4. Each PDF file shall contain no more
4 than one document or exhibit, see Local Rule 5-4.3.1, and
5 each document or exhibit shall be meaningfully described on
6 the docket such that the document or exhibit can be easily
7 identified. For example, if a declaration in support of a
8 motion appears as Docket No. 30, exhibit 1 to the declaration
9 should be filed as Docket No. 30-1 with a description of the
10 exhibit that includes the title of the exhibit and the
11 exhibit number (e.g., Exhibit 1: Letter from John Doe to Jane
12 Doe dated January 1, 2021). Exhibit 2 to the declaration
13 should be filed as Docket No. 30-2 with a description of the
14 exhibit which includes the title of the exhibit and exhibit
15 number (Exhibit 2: Letter from Jane Doe to John Doe dated
16 January 2, 2021), and so on. Any documents which counsel
17 attempt to file electronically which are improperly filed
18 will not be accepted by the Court.

19 (c) Counsel are ORDERED to deliver **2 copies** of all documents
20 filed electronically in this action to Chambers. For each
21 document filed electronically, one copy shall be marked
22 "CHAMBERS COPY" and the other copy shall be marked "COURTESY
23 COPY." The "CHAMBERS COPY" and "COURTESY COPY" are
24 collectively referred to herein as "Courtesy Copies." The
25 Courtesy Copies of each electronically filed document must
26 include on each page the running header created by the ECF
27 system. In addition, on the first page of each Courtesy
28 Copy, in the space between lines 1 - 7 to the right of the

1 center, counsel shall include the date the document was
2 e-filed and the document number. The Courtesy Copies shall be
3 single-sided and shall not be blue-backed. All documents must
4 be stapled only in the top left-hand corner, the electronic
5 proof of service must be attached as the last page of each
6 document, and the exhibits attached to any document must be
7 tabbed. Counsel shall not staple the "COURTESY COPY" and
8 "CHAMBERS COPY" together. The "COURTESY COPY" and "CHAMBERS
9 COPY" of all documents must be three-hole punched at the left
10 margin with oversized 13/32" hole size, not the standard
11 9/32" hole size. If evidence attached to a document exceeds
12 twenty-five pages, the Courtesy Copies of the evidence shall
13 be placed in separately bound volumes and include a Table of
14 Contents. If such evidence exceeds fifty pages, the Courtesy
15 Copies of such evidence shall be placed in a slant D-ring
16 binder with each item of evidence separated by a tab divider
17 on the right side. All documents contained in the binder must
18 be three hole punched with the oversized 13/32" hole size,
19 not the standard 9/32" hole size. The binder shall include a
20 Table of Contents and the spine of the binder shall be
21 labeled with its contents.

22 The Courtesy Copies shall be delivered to Chambers no later
23 than 10:00 a.m. on the next business day after the document
24 was electronically filed.

25 (d) For any document that is not required to be filed
26 electronically, counsel are ORDERED to deliver 1 conformed
27 copy of the document, which shall be marked "COURTESY COPY,"
28 to Chambers **at the time of filing**. For any document or

1 exhibit that is not required to be filed electronically,
2 counsel shall retain a copy of that document or exhibit until
3 all appeals have been exhausted.

4 (e) If the Court has granted an application to file
5 documents under seal, the Court's Courtesy Copies shall
6 include a complete version of the documents including any
7 sealed documents. Each document that has been filed under
8 seal shall include a notation identifying that the document
9 has been filed under seal, and shall be highlighted to show
10 the portion of the document that has been redacted. For
11 example, if the Court orders Ex. A to a Declaration filed
12 under seal, the Court's Courtesy Copies of the Declaration
13 should include Ex. A as an attachment with a notation that it
14 has been filed under seal pursuant to the Court's order and
15 any redactions shall be highlighted.

16 (f) In the unlikely event counsel finds it necessary to
17 file a Notice of Errata: (1) the Notice of Errata shall
18 specifically identify each error by page and line number and
19 set forth the correction; and (2) a corrected version of the
20 document in its entirety shall be attached to the Notice of
21 Errata.

22 (g) When a proposed order or other proposed document
23 accompanies an electronic filing, the proposed order or other
24 proposed document shall be in PDF format and included, as an
25 attachment, with the main electronically filed document
26 (e.g., stipulations, applications, motions). Proposed orders
27 or other proposed documents (such as a proposed judgment)
28 that are not lodged with a main document shall be

1 electronically lodged as an attachment to a Notice of
2 Lodging; if the proposed document is being submitted in
3 response to a court order, the filer shall link the Notice of
4 Lodging to that court order.

5 After a document requiring a judge's signature has been
6 lodged, a WordPerfect or Microsoft Word copy of the proposed
7 document, along with a PDF copy of the electronically filed
8 main document, MUST be emailed to the chambers email address,
9 EITHER by using the "Proposed Orders" link within the CM/ECF
10 System OR by sending a separate email with the subject line
11 in the following format: Court's divisional office, year,
12 case type, case number, document control number assigned to
13 the main document at the time of filing, judge's initials,
14 and filer (party) type and name (e.g., for Los Angeles:
15 LA08CV00123-6-ABC-Defendant). **Do not submit the proposed**
16 **order twice.** Failure to comply with this requirement may
17 result in the denial or striking of the request or the Court
18 may withhold ruling on the request until the Court receives
19 the required documents.

20 **4. Discovery:**

21 (a) All discovery matters have been referred to a United
22 States Magistrate Judge. (The Magistrate Judge's initials
23 follow the Judge's initials next to the case number.) All
24 discovery documents must include the words "DISCOVERY MATTER"
25 in the caption to ensure proper routing. Counsel are
26 directed to contact the Magistrate Judge's Courtroom Deputy
27 to schedule matters for hearing.

28

1 All decisions of the Magistrate Judge shall be final,
2 subject to modification by the District Court only where it
3 is shown that the Magistrate Judge's Order is clearly
4 erroneous or contrary to law. Any party may file and serve a
5 motion for review and reconsideration before this Court. The
6 moving party must file and serve the motion within fourteen
7 calendar days of service of a written ruling or within
8 fourteen calendar days of an oral ruling that the Magistrate
9 Judge states will not be followed by a written ruling. The
10 motion must specify which portions of the ruling are clearly
11 erroneous or contrary to law and support the contention with
12 a memorandum of points and authorities. Counsel shall
13 deliver a courtesy copy of the moving papers and responses to
14 the Magistrate Judge.

15 (b) Counsel shall begin to actively conduct discovery before
16 the Fed.R.Civ.P. 26(f) conference because at the Scheduling
17 Conference the Court will impose tight deadlines to complete
18 discovery. If the action is a putative class action, the
19 parties shall begin to conduct discovery immediately, so that
20 the Motion for Class Certification can be timely filed.

21 **5. Motions:**

22 **(a) Time for Filing and Hearing Motions:**

23 Motions shall be filed in accordance with the Local Rules.
24 This Court hears motions on **Mondays commencing at 1:30 p.m.**
25 Once a party has noticed a motion for hearing on a particular
26 date, the hearing shall not be continued without leave of
27 Court. No supplemental briefs shall be filed without leave
28 of Court. Courtesy Copies shall be provided to the Court in

1 accordance with paragraph 3 of this Order. No motion shall
2 be noticed for hearing for more than 35 calendar days after
3 service of the motion unless otherwise ordered by the Court.
4 Documents not filed in compliance with the Court's
5 requirements will be stricken and will not be considered by
6 the Court.

7 **(b) Local Rule 7-3:**

8 Among other things, Local Rule 7-3 requires counsel to
9 engage in a pre-filing conference to discuss thoroughly the
10 substance of the contemplated motion and any potential
11 resolution. Counsel should discuss the issues with
12 sufficient detail so that if a motion is still necessary, the
13 briefing may be directed to those substantive issues
14 requiring resolution by the Court.

15 Many motions to dismiss or to strike could be avoided if the
16 parties confer in good faith especially for perceived defects
17 in a Complaint, Answer, or Counterclaim which could be
18 corrected by amendment. See, e.g., *Eminence Capital, LLC v.*
19 *Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003) (where a
20 motion to dismiss is granted, a district court should provide
21 leave to amend unless it is clear that the Complaint could
22 not be saved by any amendment). The Ninth Circuit requires
23 that this policy favoring amendment be applied with "extreme
24 liberality." *Morongo Band of Mission Indians v. Rose*, 893
25 F.2d 1074, 1079 (9th Cir. 1990).

26 These principles require counsel for the plaintiff to
27 carefully evaluate the defendant's contentions as to the
28 deficiencies in the Complaint, and in most instances, the

1 moving party should agree to any amendment that would cure a
2 curable defect. Counsel should, at the very least, resolve
3 minor procedural or other non-substantive matters during the
4 conference.

5 All 7-3 conferences shall be conducted **in person** by lead
6 counsel. If lead counsel are not located in the same county
7 in the Central District of California, the conference may
8 take place via video (letters and e-mail do not constitute a
9 proper 7-3 conference). The pro se status of one or more
10 parties does not excuse compliance with Local Rule 7-3.

11 Notwithstanding the exemption for preliminary injunction
12 motions in Local Rule 7-3, counsel contemplating filing a
13 preliminary injunction motion shall comply with Local Rule 7-
14 3 and meet and confer **in person** at least five days prior to
15 the filing of such a motion.

16 Not more than three days after the 7-3 conference for any
17 contemplated motion, counsel shall file a joint statement
18 indicating the date of, duration of, and method of
19 communication used during the conference and the participants
20 in the conference. In addition, the joint statement shall
21 detail the issues discussed and resolved during the
22 conference and the issues remaining. Failure to strictly
23 comply with the Court's requirements or Local Rule 7-3 will
24 result in the striking and/or the denial of the motion.

25 **(c) Length and Format of Motion Papers:**

26 **Memoranda of Points and Authorities in support of or in**
27 **opposition to motions shall not exceed 25 pages. Replies**
28 **shall not exceed 12 pages.** Only in rare instances and for

1 good cause shown will the Court grant an application to
2 extend these page limitations. Courtesy Copies of all
3 evidence in support of or in opposition to a motion,
4 including declarations and exhibits to declarations, shall be
5 separated by a tab divider on the bottom of the page. If
6 evidence in support of or in opposition to a motion exceeds
7 twenty-five pages, the Courtesy Copies of the evidence shall
8 be placed in separately bound volumes and include a Table of
9 Contents. If such evidence exceeds fifty pages, the Courtesy
10 Copies of such evidence shall be placed in a slant D-ring
11 binder with each item of evidence separated by a tab divider
12 on the right side. All documents contained in the binder
13 must be three hole punched with the oversized 13/32" hole
14 size, not the standard 9/32" hole size. The binder shall
15 include a Table of Contents and the spine of the binder shall
16 be labeled with its contents.

17 **Typeface shall comply with the Local Rules. NOTE: If Times**
18 **Roman is used, the font size must be no less than 14; if**
19 **Courier is used, the font size must be no less than 12.**

20 Footnotes shall be in the same typeface and font size as the
21 text and shall be used sparingly.

22 Documents which do not conform to the Local Rules and this
23 Order will not be considered.

24 **(d) Citations to Case Law:**

25 Citations to case law **must** identify not only the case being
26 cited, but the specific page referenced. In the event it is
27 necessary to cite to Westlaw or Lexis, the Court prefers that
28

1 counsel cite to Westlaw. Hyperlinks to case citations must
2 be included.

3 **(e) Citations to Other Sources:**

4 Statutory references should identify, with specificity,
5 which sections and subsections are being referenced (e.g.,
6 Jurisdiction over this claim for relief may appropriately be
7 found in 47 U.S.C. § 33, which grants the district courts
8 jurisdiction over all offenses of the Submarine Cable Act,
9 whether the infraction occurred within the territorial waters
10 of the United States or on board a vessel of the United
11 States outside said waters). Statutory references which do
12 not specifically indicate the appropriate section and
13 subsection (e.g., Plaintiffs allege conduct in violation of
14 the Federal Electronic Communication Privacy Act, 18 U.S.C. §
15 2511, *et seq.*) are to be **avoided**. Citations to treatises,
16 manuals, and other materials should similarly include the
17 volume and the section referenced.

18 **(f) Proposed Statement of Decision**

19 Not more than two days after the deadline for filing the
20 Reply, each party shall lodge a Proposed Statement of
21 Decision, which shall contain a statement of the relevant
22 facts and applicable law with citations to case law and the
23 record. The Proposed Statement of Decision shall not exceed
24 fifteen pages and shall be in a form that would be
25 appropriate for the Court to enter as its final order on the
26 motion. The Proposed Statement of Decision shall be
27 submitted to the Court in accordance with the Local Rules and
28 shall be e-mailed in WordPerfect or Word format to the

1 Chambers' e-mail address (JFW_Chambers@cacd.uscourts.gov) at
2 the time of filing. Failure to lodge the Proposed Statement
3 of Decision will result in the denial or granting of the
4 motion.

5 **(g) Opposing Papers**

6 Within the deadline prescribed by the Local Rules, a party
7 opposing a motion shall file: (1) an Opposition; or (2) a
8 Notice of Non-Opposition. If a party files a Notice of
9 Non-Opposition to a motion under Federal Rule of Civil
10 Procedure 12(b), (e), or (f), that party shall state whether
11 it intends to file an amended complaint in accordance with
12 Federal Rule of Civil Procedure 15(a)(1).

13 **Failure to timely respond to any motion shall be deemed by
14 the Court as consent to the granting of the motion. See
15 Local Rules.**

16 **(h) Amended Pleadings**

17 Whenever a plaintiff files an amended pleading, a redlined
18 version of the amended pleading shall be filed and delivered
19 to Chambers indicating all additions and deletions to the
20 prior version of that pleading.

21 In addition to the requirements of the Local Rules, all
22 motions to amend the pleadings shall: (1) state the effect of
23 the amendment; and (2) state the page, line number(s), and
24 wording of any proposed change or addition of material.

25 In the event the Court grants a motion to dismiss without
26 prejudice to filing an amended complaint, the plaintiff shall
27 file an amended complaint within the time period specified by
28 the Court. If no time period is specified by the Court, the

1 plaintiff shall file an amended complaint within fourteen
2 calendar days of the date of the order granting the plaintiff
3 leave to file an amended complaint. Failure to file an
4 amended complaint within the time allotted will result in the
5 dismissal of the action with prejudice.

6 **(i) Motions for Class Certification**

7 Motions for Class Certification shall be filed within 120
8 days after service of a pleading purporting to commence a
9 class action (or if applicable 120 days after service of the
10 Notice of Removal), unless otherwise ordered by the Court.
11 Failure to timely file a Motion for Class Certification will
12 result in the striking of the class allegations from the
13 operative pleading.

14 **6. Ex Parte Applications:**

15 Ex parte applications are solely for extraordinary relief.
16 See *Mission Power Eng'g Co. v. Continental Cas. Co.*, 883 F.
17 Supp. 488 (C.D. Cal. 1995). Applications that fail to
18 conform with the Local Rules, including a statement of
19 opposing counsel's position, will not be considered. In
20 addition to electronic service, the moving party shall
21 immediately serve the opposing party by fax or hand service
22 and shall notify the opposing party that any opposition must
23 be filed not later than twenty-four hours after the filing of
24 the ex parte application. If counsel does not intend to
25 oppose the ex parte application, counsel shall immediately
26 inform the Courtroom Deputy by e-mail and immediately file a
27 Notice of Non-Opposition. The Court considers ex parte
28 applications on the papers and usually does not set the

1 matters for hearing. Courtesy Copies of all moving,
2 opposition, or non-opposition papers shall be provided to the
3 Court in accordance with paragraph 3 of this Order. The
4 Courtroom Deputy will notify counsel of the Court's ruling or
5 a hearing date and time, if the Court determines a hearing is
6 necessary.

7 **7. Applications or Stipulations to Extend the Time to File**
8 **any Required Document or to Continue Any Date:**

9 No application or stipulation to extend the time to file any
10 required document or to continue any date is effective unless
11 and until the Court approves it. Any application or
12 stipulation to extend the time to file any required document
13 or to continue any date must set forth the following:

- 14 (a) the existing due date or hearing date, as well as all
15 dates set by the Court, including the discovery cut-off date,
16 the Pre-Trial Conference date, and the Trial date;
- 17 (b) the new dates proposed by the parties;
- 18 (c) specific, concrete reasons supporting good cause for
19 granting the extension; and
- 20 (d) whether there have been prior requests for extensions by
21 any party, and whether those requests were granted or denied
22 by the Court.

23 The application or stipulation must be accompanied by a
24 separate proposed order. The proposed order shall include
25 the existing due date(s) or hearing date(s) as well as the
26 new proposed date(s).

27 Failure to comply with the provisions of this section may
28 result in the denial of the application or stipulation.

1 **8. Temporary Restraining Orders and Injunctions:**

2 **(a) Documentation Required:**

3 Parties seeking emergency or provisional relief shall comply
4 with Fed.R.Civ.P.65 and the Local Rules. An ex parte
5 application for a temporary restraining order must be
6 accompanied by: (1) a copy of the complaint; (2) a separate
7 memorandum of points and authorities in support of the
8 application; (3) the proposed temporary restraining order and
9 a proposed order to show cause why a preliminary injunction
10 should not issue; and (4) such other documents in support of
11 the application which the party wishes the Court to consider.
12 Courtesy Copies of these documents shall be immediately
13 delivered to Chambers.

14 **(b) Notice of Ex Parte Applications:**

15 Unless relieved by order of the Court for good cause shown,
16 on or before the day counsel files an ex parte application
17 for a temporary restraining order, counsel must personally
18 serve notice and all documents in support of the ex parte
19 application and a copy of the Court's Standing Order on
20 opposing counsel or party. Counsel shall also notify the
21 opposing party that any opposition must be filed no later
22 than twenty-four hours after the service of the ex parte
23 application. Counsel shall immediately file a Proof of
24 Service.

25 If counsel does not intend to oppose the ex parte
26 application, counsel shall immediately inform the Courtroom
27 Deputy by e-mail and immediately file a Notice of Non-
28 Opposition. The Court considers ex parte applications on the

1 papers and usually does not set the matter for hearing.
2 Courtesy Copies of all moving, opposition, or non-opposition
3 papers shall be provided to the Court in accordance with
4 paragraph 3 of this Order. The Courtroom Deputy will notify
5 counsel of the Court's ruling or a hearing date and time, if
6 the Court determines a hearing is necessary.

7 **9. Proposed Protective Orders and Filings Under Seal:**

8 Protective orders pertaining to discovery must be submitted
9 to the assigned Magistrate Judge. Proposed protective orders
10 should not purport to allow, without further order of Court,
11 the filing under seal of pleadings or documents filed in
12 connection with a hearing or trial before the Court. The
13 existence of a protective order does not alone justify the
14 filing of pleadings or other documents under seal, in whole
15 or in part.

16 An application to file documents under seal must meet the
17 requirements of the Local Rules and shall be limited to three
18 documents by a party, unless otherwise ordered by the Court.
19 The application to file documents under seal should not be
20 filed under seal. There is a strong presumption of the
21 public's right of access to judicial proceedings and records
22 in civil cases. In order to overcome the presumption in
23 favor of access, the movant must demonstrate compelling
24 reasons (as opposed to good cause) for the sealing if the
25 sealing is requested in connection with a dispositive motion
26 or trial, and the relief sought shall be narrowly tailored to
27 serve the specific interest sought to be protected. *Pintos*
28

1 *v. Pacific Creditors Ass'n*, 605 F.3d 665 (9th Cir. 2010),
2 *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th
3 Cir. 2006), *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d
4 1122, 1135 (9th Cir. 2003).

5 For each document or other type of information sought to be
6 filed under seal, the party seeking protection must
7 articulate compelling reasons supported by specific facts or
8 legal justification that the document or type of information
9 should be protected. The facts supporting the application to
10 file documents under seal must be provided by a declaration.
11 The declaration shall attach an unredacted copy of each
12 document to be filed under seal. The parties are ordered to
13 highlight the portion of the document containing counsel's
14 proposed redactions. Documents that are not confidential or
15 privileged in their entirety will not be filed under seal if
16 the confidential portions can be redacted and filed
17 separately. The declarations in support of the application
18 to file documents under seal shall include an explanation of
19 why redaction is not feasible.

20 If the parties anticipate requesting the Court to file more
21 than three documents under seal in connection with any
22 motion, they shall identify all such documents that will be
23 required to support and oppose the motion during the Local
24 Rule 7-3 conference. The parties shall then meet and confer
25 in order to determine if the documents satisfy the
26 "compelling need" standard for "sealing" each document.
27 Thereafter, the parties shall file a joint application and
28 lodge a proposed order to file under seal all such documents

1 with the required showing as to each document. The joint
2 application shall be filed promptly so that the Court may
3 rule on the application before the filing date for the
4 motion. The parties shall not file any pleadings containing
5 documents they have requested the Court to file under seal
6 until the Court acts on the application to file under seal.

7 If a party wishes to file a document that has been
8 designated confidential by another party, the submitting
9 party must give any designating party five calendar days
10 notice of intent to file. If the designating party objects,
11 it should notify the submitting party and file an application
12 to file documents under seal within two court days.

13 If an application to file documents under seal is denied in
14 part or in full, the lodged documents will not be filed. The
15 Courtroom Deputy will notify the submitting party, and hold
16 the lodged documents for three court days to allow the
17 submitting party to retrieve the documents. If the documents
18 are not retrieved, the Courtroom Deputy will dispose of the
19 documents.

20 If the Court grants an application to file documents under
21 seal, the parties shall file within two days of the Court's
22 Order a complete version of the documents under seal and a
23 redacted version for public viewing (omitting only such
24 portions as the Court has ordered to be filed under seal).
25 The Court's Courtesy Copies of all documents filed under seal
26 shall include a complete version of the documents with a
27 notation identifying that the document has been filed under
28 seal and shall be highlighted to show the portion of the

1 document that has been redacted. Should counsel fail to file
2 the under seal version and redacted version of the documents,
3 the Court will strike any motion that relies on or relates to
4 those documents and/or file those documents in the public
5 record.

6 **10. Cases Removed From State Court:**

7 All documents filed in state court, including documents
8 attached to the Complaint, Answer(s), and Motion(s), must be
9 re-filed in this Court as a separate supplement to the Notice
10 of Removal. The Courtesy Copies of the supplement must be in
11 a separately bound volume and shall include a Table of
12 Contents. If the defendant has not yet answered or moved,
13 the Answer or responsive pleading filed in this Court must
14 comply with the Federal Rules of Civil Procedure and the
15 Local Rules of the Central District. If before the case was
16 removed a motion was pending in state court, it must be re-
17 noticed in accordance with the Local Rules.

18 **11. Actions Transferred From Another District**

19 Counsel shall file, within ten days of transfer, a Joint
20 Report summarizing the status of the action which shall
21 include a description of all motions filed in the action and
22 the transferor court's ruling on the motions. In addition,
23 counsel shall deliver (but not file) one courtesy copy to
24 Chambers of each document on the docket of the transferor
25 court. On the first page of each courtesy copy, in the space
26 between lines 1 - 7, to the right of the center, counsel
27 shall include the date the document was filed and the
28 document number. The courtesy copies shall be placed in a

1 slant D-ring binder in chronological order with each document
2 separated by a tab divider on the right side. All documents
3 contained in the binder must be three hole punched with the
4 oversized 13/32" hole size, not the standard 9/32" hole size.
5 The binder shall include a Table of Contents and the spine of
6 each binder shall be labeled with its contents. The courtesy
7 copies shall be delivered to Chambers within ten days of the
8 transfer.

9 **12. Status of Fictitiously Named Defendants:**

10 This Court adheres to the following procedures when a matter
11 is removed to this Court on diversity grounds with
12 fictitiously named defendants referred to in the Complaint:

13 (a) Plaintiff shall ascertain the identity of and serve any
14 fictitiously named defendants within 90 days of the date that
15 the Complaint was filed in State Court.

16 (b) If plaintiff believes (by reason of the necessity for
17 discovery or otherwise) that fictitiously named defendants
18 cannot be fully identified within the 90-day period, an ex
19 parte application requesting permission to extend the period
20 to effectuate service may be filed with the Court. Such
21 application shall state the reasons therefore, and will be
22 granted only upon a showing of good cause. The ex parte
23 application shall be served upon all appearing parties, and
24 shall state that appearing parties may respond within seven
25 calendar days of the filing of the ex parte application.

26 (c) If plaintiff desires to substitute a named defendant for
27 one of the fictitiously named defendants, plaintiff shall
28 first seek the consent of counsel for all defendants (and

1 counsel for the fictitiously named party, if that party has
2 separate counsel). If consent is withheld or denied,
3 plaintiff shall file an ex parte application requesting such
4 amendment, with notice to all appearing parties. Each party
5 shall have seven calendar days to respond. The ex parte
6 application and any response should comment not only on the
7 substitution of the named party for a fictitiously named
8 defendant, but on the question of whether the matter should
9 thereafter be remanded to the Superior Court if diversity of
10 citizenship is destroyed by the addition of the new
11 substituted party.

12 **13. Bankruptcy Appeals:**

13 Counsel shall comply with the Notice Regarding Appeal From
14 Bankruptcy Court issued at the time the appeal is filed in
15 the District Court. Counsel are ordered to notify the
16 Court in a joint report if the Certificate of Readiness has
17 not been prepared by the Clerk of the Bankruptcy Court and
18 submitted to the Clerk of the District Court within 90 days
19 of the date of this Order.

20 The matter is considered submitted upon the filing of the
21 final brief. No oral argument is held unless ordered by the
22 Court.

23 **14. Communications with Chambers:**

24 Counsel shall not attempt to contact the Court or its
25 Chambers staff by telephone or by any other ex parte means,
26 although counsel may contact the Courtroom Deputy at
27 shannon_reilly@cacd.uscourts.gov with appropriate inquiries
28 after reviewing the Federal Rules of Civil Procedure, the

1 Local Rules, and this Court's Orders. To facilitate
2 communication with the Courtroom Deputy, counsel should list
3 their facsimile transmission numbers and e-mail addresses
4 along with their telephone numbers on all papers.

5 **15. Notice of This Order:**

6 Counsel for plaintiff shall immediately serve this Order on
7 all parties, including any new parties to the action. If
8 this case came to the Court by noticed removal, defendant
9 shall serve this Order on all other parties.

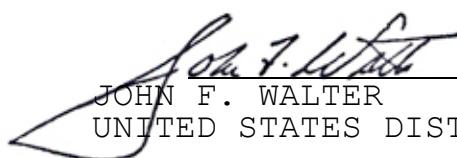
10 **Caveat: If counsel fail to cooperate in the preparation of**
11 **the required Joint Rule 26 Report or fail to file the**
12 **required Joint Rule 26 Report, or if counsel fail to appear**
13 **at the Scheduling Conference, the Pre-Trial Conference and/or**
14 **any other proceeding scheduled by the Court, and such failure**
15 **is not otherwise satisfactorily explained to the Court: (a)**
16 **the cause shall stand dismissed for failure to prosecute, if**
17 **such failure occurs on the part of the plaintiff; (b) default**
18 **judgment shall be entered if such failure occurs on the part**
19 **of the defendant; or (c) the Court may take such action as it**
20 **deems appropriate.**

21

22 IT IS SO ORDERED.

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24 DATED: September 18, 2023


JOHN F. WALTER
UNITED STATES DISTRICT JUDGE

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